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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/851,763

05/08/2001

Christopher A. Rygaard

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08/26/2004

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EXAMINER

POLTORAK, PIOTR

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 08/26/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,763

Applicant(s)

RYGAARD, CHRISTOPER A.

Examiner

Peter Poltorak

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-36 have been examined.

Priority

2. No claim for priority has been made in this application.
3. The effective filing date for the subject matter defined in the pending claims in this application is 05/08/2001.

Drawings

4. The drawings are objected to because of the following informalities: "Host N" cited in the specification on pg. 6 line 23 is not present in Fig. 3.
5. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claims 9, 18, 27 and 36 are objected to because of the following informalities: the word “**device**” in “one or more wireless device” should be plural or the statement rephrase to “many or one wireless device”.

Information Disclosure Statement

7. The information disclosure statement filed DATE fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because several of the references shown do not have a publication date listed. The examiner was able to establish the date of “NIST Special Publication 800-19 – Mobile Agent Security” which date has been posted as October 1999 on NIST Special Publications site. However, Jansen et al.’s “Intrusion detection with mobile agents”, “A privilege management scheme for mobile agent systems”, “Countermeasures for mobile agent security” and “Privilege management of mobile agents” have been placed in the application file, but the information referred to therein has not been considered as to the merits.
8. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all

certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 Π
C(1)

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 27 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. "The host" in claims 27 and 36 lacks antecedent basis.

Appropriate correction is required

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by *Jansen et al. (NIST Special Publication 800-19 – Mobile Agent Security, hereafter Jansen)***

12. As per claim 19 Jansen teaches a mobile application (MA) security system (title and section 3.2, bottom paragraph on page 9), *including one or more nodes of a peer-to-peer network wherein each node is configured to execute a MA* (MA hopping from peer to peer, pg. 2 §2 and Fig. 1);

a M&SN connected to each node of the peer-to-peer network for controlling the security of a MA (pg. 13-14, *Protecting the Agent Platform* section teaches a "reference monitor" that cannot be bypassed, and pg. 18-19 teach central or distributed architecture);

the M&SN further comprising means for monitoring the security of the MA as it jumps between the nodes wherein data about the MA (and the dispatching node) is communicated to the M&SN prior to the MA being dispatched from a dispatching node (pg. 19 §1); and

wherein the security monitoring means further comprises means for determining if authentication of the dispatching node is required prior to dispatch of the MA (pg. 19 §1).

13. As per claim 20 Jensen teaches means for determining if the mobile application being dispatched is a sensitive application (*sensitivity of MA's transactions*, pg. 10 §2), means for determining if the dispatching node is vulnerable (*trust level*, pg. 19 §1) and means for requesting authentication if a sensitive mobile application is being dispatched from a vulnerable node (pg. 10 §4 *accountability requirements*, pg. 16 §1 and 4 *digital signature qualities*)

14. As per claims 24 and 25, limitations have already been addressed (see claim 20).

15. As per claims 21 and 22 the claims are substantially equivalent to claims 20, 24-25; therefore claims 21-22 are similarly rejected.
16. As per claim 23 *Jensen* teaches means for authenticating the dispatching node based on one or more rules defined by an operator of the system (*a site security administrator*) (pg. 16).
17. As per claim 26 *Jensen* teaches the system wherein each MA comprises an itinerary listing a node for each node to which the mobile application jumps (pg. 21 §2) wherein each node indicates if authentication is required to jump from the particular node (pg. 22 §2) and wherein the determining means further comprises means for requesting authentication based on the node in the itinerary (pg. 22 §2).
18. As per claims 27, limitations have already been addressed (see claim 20). *Jensen* teaches the host comprising one or more wireless devices that are classified as vulnerable (pg. 27-28).
19. Claims 1-18 and 28-39 are substantially equivalent to claims 19-27; therefore claims 1-18 and 28-39 are similarly rejected.

Conclusion

No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (703) 305-

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0719. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Signature

8/23/04
Date


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100